IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1974

No. _____

SAMUEL W. YORTY,

Petitioner,

vs.

COURT OF APPEAL, SECOND APPELLATE DISTRICT, STATE OF CALIFORNIA,

Respondent.

CITY COUNCIL OF THE CITY OF LOS ANGELES,

Real Party in Interest.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF CALIFORNIA

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CITY COUNCIL OF THE CITY OF LOS ANGELES,

Real Party in Interest.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF CALIFORNIA

Petitioner prays that a Writ of Certiorari issue to review the order of the Supreme Court of California denying a Petition for a Writ of Mandate to be directed to the Court of Appeal of the Second Appellate District of the State of California, and from an Order denying a Petition

for a rehearing entered in the above case on June 26, 1974.

OPINION BELOW (Unreported)

JURISDICTION

The Order of the Supreme Court of California was entered on May 29, 1974, denying Petitioners Application for an alternative Writ of Mandamus commanding the Court of Appeal to vacate its Order entered April 4, 1974 denying the Petition of the Petitioner for a Writ of Mandate directed to the Superior Court.

A Petition for a rehearing was denied by the California Supreme Court on June 26, 1974.

Jurisdiction of this Court to review the Orders below rests on Title 28, United States Code, Section 1257(3).

QUESTIONS PRESENTED

1. Does the Charter of Los Angeles and an Ordinance adopted pursuant to such Charter authorizing the prosecution of witnesses who refuse to attend and produce records before a Councilmanic Committee violate the

due process clause of the Fourteenth Amendment of the United States Constitution in that neither the Charter nor the Ordinance provide for immunity to the compelled witness?

2. Does the Charter and Ordinance violate the due process clause of the Fourteenth Amendment of the United States Constitution in failing to provide for a judicial review of the refusal of a witness to answer or produce records prior to the institution of criminal proceedings against such a witness for refusal to testify or produce subpoenaed records?

3. May a witness subpoenaed to produce records before a Councilmanic Committee justify his refusal to produce the records on the ground the enforced production violates his constitutional rights under the Fourth Amendment of the United States Constitution in failing to provide for a judicial review of the refusal of a witness to answer or produce records prior to the institution of criminal proceedings against such a witness for refusal to testify or produce subpoenaed records?

4. May a witness subpoenaed to produce records before a Councilmanic Committee justify his refusal to produce the records on the ground the enforced production violates his constitutional rights under the Fourth Amendment of the United States Constitution?

5. Is Section 930 of the Evidence Code of California prohibiting the calling of a defendant in a "criminal case", applicable to a former public official subpoenaed to appear before a Councilmanic Committee investigating the alleged violations by the witness of conflict of interest and/or "election" laws?

CONSTITUTIONAL PROVISIONS INVOLVED
FOURTH AND FOURTEENTH AMENDMENTS
UNITED STATES CONSTITUTION

STATUTE INVOLVED
SECTION 63 CHARTER CITY OF LOS ANGELES

The Ordinance Involved Section 63110 of the Municipal Code, City of Los Angeles.

STATEMENT OF THE CASE

Petitioner Samuel W. Yorty filed a Complaint in the Superior Court of Los Angeles County directed against the City Council of the City of Los Angeles. The Complaint (Second Amended) alleged:

Subsequent to the termination of Plaintiff's Third term of office (as Mayor) a Committee of the Council commenced an investigation into the relationship between Occidental Petroleum Corporation and the City of Los Angeles, particularly in regard to Occidental proposals for oil drilling.

During the course of the investigation, a Committee of the Council made a request upon Petitioner to appear and testify as a witness concerning any information he may have relevant to a land exchange between Occidental and the City of Los Angeles, which was finalized in 1969 - 1970.

Petitioner appeared before the Committee. He was sworn and testified.

Thereafter, further demands were made upon Petitioner that he produce records among other things, relating in any manner

to "Communications to or from or advice given to Petitioner or any member of his family relating in any manner to the purchase, sale or holding of Capital Stock in the Occidental Petroleum Corporation."

Counsel for Petitioner responded to that demand stating:

> "Mr. Yorty has based his refusal to produce his private records concerning the purchase he has made of stock in Occidental Petroleum Corporation which purchases originated more than ten years ago, on the ground that such production would violate certain fundamental rights of personal privacy and the guarantee to be free from demands which are repugnant to Constitutional privileges.
>
> "The Fourth Amendment of the United States Constitution, independent of the Fifth Amendment, provides an inalienable right of protection against official harassment. Under the Fourth Amendment, neither an enforcement officer nor a City Council Committee, may invade

the privacy of an individual. It is a Constitutional right to enjoy and defend one's privacy and to be left alone."

The City Council of the City of Los Angeles authorized the issuance of a subpoena duces tecum to compel Petitioner to produce certain documents and to appear before a Committee with such documents for further testimony.

A subpoena was thereafter issued and served upon Petitioner.

Petitioner filed an action in the Superior Court directed against the City Council of the City of Los Angeles. Petitioner alleged that a subpoena duces tecum served upon him violated the Fourth Amendment of the United States Constitution, the Due Process Clause and Equal Protection Clauses of the Fourteenth Amendment and Article 1, Section 19 of the California Constitution.

Petitioner alleged:

"The Fourth Amendment and the Fourteenth Amendment of the United States Constitution and Article 13 and

19 of the California Constitution apply to compulsory subpoenas. (3) A Subpoena that is overbroad and or limitless as to time constitutes a violation of the Fourth Amendment and of Article I, Section 19 of the California Constitution. (4) The compulsory production of a person's private papers to establish a criminal violation is within the scope of the Fourth Amendment and Article I, Section 19, of the California Constitution, respectively."[1/]

Petitioner prayed for the following relief: That the Court declare the respective rights and duties of the parties under the subpoena duces and by said declaration and judgment it be declared that said subpoena is void in that it violates the following provisions of the California and United States Constitutions:

1/ The California Supreme Court has construed Article II, Section 19 of the California Constitution as essential identical to the rights under the Fourth Amendment. People v. Triggs, 8 Cal.3d 884, 892 Footnote.

(a) The Fourth Amendment of the United States Constitution and Article I, Section 19 of the California Constitution;

(b) The Due Process Clause and Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and Article 1, Section 13 of the California Constitution.

The Superior Court made an order granting Petitioner a preliminary injunction modifying partially the subpoena duces tecum.

The Superior Court made a further order denying Petitioner's Application for a preliminary injunction to enjoin the enforcement of the subpoena duces tecum with reference to subsections 1, 2, 3, and 5.

The Petitioner applied to the Court of Appeal for a Writ of Mandamus to command the Superior Court to make an order quashing the subpoena duces tecum and to enjoin the City Council from enforcing the provisions of the subpoena duces tecum.

(15)Petitioner alleged he did not have a right of appeal from the Order denying the Motion to quash the subpoena duces

tecum and such an order is reviewable to an Appellate Court by a Petition for a Writ of Mandamus.

The Court of Appeal denied the Petition without opinion.

In a supporting brief, Petitioner argued:

1. The Fourth Amendment applies to compulsory subpoenas. (Petitioner cited the following cases: Hale v. Henkel, 201 U.S. 43; Fed. Trade Com. v. American Tobacco Company, 264 U.S. 298; Brown v. United States, 276 U.S. 134; Watkins v. United States, 354 U.S. 178.)

2. The Subpoena Duces Tecum is so broad and so limitless as to time that it constitutes a violation of the Fourth Amendment.

3. The Compulsory Production of a Person's Private Papers to establish a criminal violation is within the scope of the Fourth Amendment. (Petitioner cited the following cases among others: Murphy v. Waterfront Comm., 378 U.S. 52; Borror v. Department of Investment, 15 Cal.App.3d 531, 542; In re Gault, 387 U.S. 1; McCarthy v.

Arndstein, 266 U.S. 34, 40; United States v. Saline, 1 Pet. 100; 58 Am. Jur. Witnesses Sec. 36.

4. An Investigating Committee may not assume a power which can only be exercised by another branch of Government.

5. The Subpoena of Personal Communications between Plaintiff and Dr. Armand Hammer, President of Occidental, is not in aid of a proper legislative purpose. Petitioner cited among other cases, Gibson v. Florida Investigation Committee, 372 U.S. 539, 9 L.Ed.2d 929, 83 S.Ct. 889.

6. The Production of Records concerning the amount of stock owned or possessed by Plaintiff would not serve a valid legislative purpose. Petitioner cited Section 1091.5, Government Code.

In the Petitioner's reply to Points and Authorities filed by the City Council, Petitioner argued, among other things:

The privilege contained in the Fourth Amendment may be raised without citing the Fifth Amendment.[2] Petitioner cited Mancusi v. De Forte, 392 U.S. 364 (1968).

Petitioner also argued that a Motion to Quash may be based on the First, Fourth or Fifth Amendments citing Gebhard v. United States, 408 U.S. 41; Hale v. Henkel, 201 U.S. 43; Silverthorne v. United States, 251 U.S. 385.

The Court of Appeal rejected Petitioner's contention that the Fourth Amendment privilege was available in a legislative investigative proceeding.[3]

2/ This concept is developed in a law review article. 13 U.C.L.A. Law Review, 857, 864 (1966) citing, among other cases: Silverthorne Lumber Co. v. United States, 251 U.S. 385; Hubner v. Tucker, 245 F.2d 35 (9th Cir.); Schurmmer v. United States, 232 F.2d 855 (8th Cir.).

3/ The Fourth Amendment exempts no branch of the Federal Government from the commandment that "The right of the people to be secure in the persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated * * *." This constitutional guaranty applies with equal force to executive, legislative and judicial action. See discussion in McGeary, Congressional Investigations: Historical (Continued)

Petitioner filed a Petition with the California Supreme Court entitled "Petition for Writ of Mandamus. Petitioner prayed that the Supreme Court assume jurisdiction of the case, and after assuming jurisdiction grant Petitioner a Writ of Mandamus commanding the Court of Appeal to vacate its Order denying the Petition of Petitioner for a Writ of Mandate directed to the Superior Court, that the Supreme Court further command the Court of Appeal to issue an order to the Superior Court to quash the subpoena duces tecum and to enjoin the City Council from enforcing the provisions of the subpoena duces tecum served upon Petitioner by the City Council.

The Supreme Court denied the Petition for a Writ of Mandamus.

The Petitioner filed a petition for a rehearing. The Petitioner argued:

3/ Continued:

Development, 18 Chi. L. Rev. 425, 434 (1951); and see Lasson, The History and Development of the Fourth Amendment to the United States Constitution, 101 et seq. (1937).

"Neither the ordinance nor the Charter contain provisions for a judicial hearing before criminal prosecution of a witness may be instituted. The failure to include such a procedure renders the ordinance void on its face in violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

"* * * that the ordinance violated both the statutory and constitutional privileges of a witness subpoened to testify as to purported violations of criminal law without provision in such ordinance for transactional immunity."

The Supreme Court denied the Petition for a rehearing.

HOW FEDERAL QUESTIONS ARE PRESENTED

The federal questions were presented as follows:

(a) In the Complaint (Second Amended) filed with the Superior Court. (Appendix A Petition for Writ of Mandamus filed in

Court of Appeal.)

(b) At the oral argument before the Superior Court. (Reporter's Transcript of proceedings Appendix G, pp. 4 through 19, unnumbered.)

(c) In the Court of Appeal (Petition for Writ of Mandamus, page 2, paragraph 5).

(d) In the Supreme Court (Petition for Writ of Mandamus, pp. 5, 6, and 7, paragraphs 14, 15, 17, 20, 22.

(e) In the Petition for Rehearing filed with the California Supreme Court (pp. 1 through 9, inclusive).

ARGUMENT

I

A CHARTER OF A MUNICIPALITY AND A SUPPORTING ORDINANCE WHICH PROVIDE FOR THE COMPELLED PRODUCTION OF DOCUMENTS WITHOUT GRANTING TRANSACTIONAL IMMUNITY VIOLATES THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION

Neither the Charter of Los Angeles nor the ordinance upon which the City Council relies provides that any witness called to testify shall be given immunity against

criminal prosecution.[4/]

Nor has the Petitioner conceded that a City Council may by ordinance arrogate to itself the power to cause an arrest and prosecution of a witness who refuses to appear and produce his records.

The customary process for enforcing an administrative subpoena originated with the creation of the Interstate Commerce Commission in 1887. (Ch. 104, Sec. 12, 24 Stats. 379 (1887).) The Act to investigate Government Aided Railroads contained the same provisions for subpoena enforcement. (Ch. 345, 24 Stat. 488 (1887).)

The City Council, in resisting the Petitioner's Application to enjoin the enforcement of the subpoena duces tecum have assumed the ordinance constitutionally permits the prosecution of a witness who refuses to produce documents before a Council Committee. No such procedure has been provided for by the ordinance under which the City Council is proceeding, or by the

---

4/ The Real Party, despite the fact that it had the burden of proof in this proceeding failed to present the ordinance to the Court of Appeal.

Charter of the City of Los Angeles.

The Council in adopting the ordinance which it seeks to enforce against Petitioner did not provide in such ordinance for a judicial determination of the constitutional privileges asserted by a witness.

In Jones v. S.E.C., 298 U.S. 1, 27, the Court quoting from an earlier decision as to the right of an administrative agency to seek subpoena enforcement said:

> "A general, roving, offensive, inquisitorial, compulsive, investigation, conducted by a commission without any allegations, upon no fixed principles, and governed by no rules of law, or of evidence, and no restrictions except its own will, or caprice, is unknown to our constitution and laws and such an inquisition would be destructive of the rights of the citizen, and an intolerable tyranny. Let the power once be established, and there is no knowing, where the practice under it would end."

To the extent that the Charter of the City of Los Angeles may be deemed to have given the City Council authority to conduct investigations, this authority is subject to the constitutional and statutory privileges accorded witnesses or prospective defendants. This privilege by the same expanding constitutional philosophy was applied to the Fourth and Fifth Amendments by the United States Supreme Court in United States v. Boyd, 116 U.S. 616; Counselman v. Hitchcock, 142 U.S. 547 (1891); McCarthy v. Arndstein, 266 U.S. 34, 40 and other cases.

The Charter did not attempt to authorize a Committee to conduct an investigation without regard to the constitutional privileges of the witnesses called before it.

The Charter failed to provide for a judicial procedure to determine whether the statutory or constitutional privileges were validly interposed.

The City Council has assumed that the mere failure of a subpoened witness to appear or to produce records vests jurisdiction in the Council to order the arrest and prosecution of the witness.

The California Supreme Court upheld the contention a legislative body may not be challenged under the First or Fourth Amendments.

II

A MOTION TO QUASH A SUBPOENA OR TO WITHHOLD EVIDENCE FROM A COMMITTEE MAY BE BASED ON THE FIRST AND FOURTH AMENDMENTS EQUAL WITH THE FIFTH AMENDMENT

The privilege contained in the Fourth Amendment may be raised without citing the Fifth Amendment.

In Mancusi v. DeForte, 392 U.S. 364 (1968), no reliance was made on the Fifth Amendment. Respondent's brief on file in that case reads in pertinent part:

> "Respondent, as discussed, has not relied on the protection of the Fifth Amendment. Rather, respondent seeks suppression because the Fourth Amendment prohibits illegal actions conducted by the State authorities. While there may be 'an intimate relationship' between the Fourth and Fifth Amendments, Boyd v.

United States, 116 U.S. 616, 633, 'the philosophy of each Amendment is complementary, although not dependent upon that of each other."

Mapp v. Ohio, 367 U.S. 643, 651. Therefore, even though there may have been no Fifth Amendment right to seek suppression, the Fourth Amendment standing alone protects respondent. Schmerber v. California, 384 U.S. 757. Resp. Brief, page 6.

The Supreme Court in its decision noted that the Fifth Amendment privilege had not been raised.

The Supreme Court said,

"It is desirable at the outset to make clear what is and what is not involved in this case. The decision below was based solely upon a finding that De Forte's Fourth and Fourteenth Amendment rights, see Ker v. California, 374 U.S. 23, 30-34, 10 L.Ed.2d 726, 735-738, 83 S.Ct. 1623, were violated by the search and seizure and that the seized material was therefore inadmissible under Mapp. It is on this ground

alone that DeForte argues for affirmance. Consequently, there is no occasion to consider whether DeForte might successfully have asserted his Fifth Amendment right against self-incrimination with respect to the use against him of the seized records."

III

A MOTION TO QUASH MAY BE BASED ON THE FIRST, FOURTH OR FIFTH AMENDMENTS

The Federal courts have permitted compelled testimony to be challenged on either the First, Fourth or Fifth Amendments. In Gebhard v. United States, 409 U.S. 41, the Supreme Court said,

> "The fact that the movants below sought to withhold evidence does not transform these cases into unusual ones. A witness is often permitted to retain exclusive custody of information where a contrary course would jeopardize important liberties such as First Amendment guarantees, Watkins v.

United States, 354 U.S. 178, 1 L. Ed.2d 1273, 77 S.Ct. 1173; NAACP v. Alabama, 357 U.S. 449, 463, 2 L.Ed.2d 1488, 1500, 78 S.Ct. 1163; Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539, 9 L.Ed.2d 929, 83 S.Ct. 889; Baird v. State Bar of Arizona, 401 U.S. 1, 6-7, 27 L.Ed.2d 639, 646-647, 2d 179, 92 S.Ct. 2357, 91 S.Ct. 702; In Re Stolar, 401 (408 U.S. 66) U.S. 23, 27 L.Ed.2d 657, 91 S.Ct. 713; Fifth Amendment privileges, Hoffman v. United States, 341 U.S. 479, 95 L.Ed. 1118, 71 S.Ct. 814, or Traditional Testimonial Privileges.

"The same is true of Fourth Amendment authority to withhold evidence, even from a grand jury. Hale v. Henkel, 201 U.S. 43, 50 L.Ed. 652 S.Ct. 370. Silverthorne Lumber Co. v. United States, 251 U.S. 385."

In DeGregory v. Attorney General, 383 U.S. 825, 16 L.Ed.2d 292, defendants conviction of contempt was reversed on the

ground that the information sought was historical and that states interest was too remote and conjectured to override guaranty of the First Amendment.

The Supreme Court said,

> "The First Amendment may be invoked against infringement of the protected freedoms by law or by lawmaking. Watkins v. United States, 354 U.S. 178, 197, 1 L.ed.2d 1273, 1289, 77 S.Ct. 1173. Investigation is a part of lawmaking and the First Amendment, as well as the Fifth, stands as a barrier to state intrusion of privacy."

The City Council prevailed upon the trial court in this case to erroneously assume that the Fourth Amendment could not be relied upon in support of the petitioner's application to quash the subpoena duces tecum.

Counsel for the petitioner argued,

> "If you are going to rely on the Fifth Amendment, you have to make an appearance. If you are going to rely on the Fourth Amendment,

then you have a right to go into the Court and obtain an Order quashing or enjoining the enforcement of the subpoena and preventing the harassment that you would be subjected to by appearing and asserting your grounds at that time. You can assert the grounds prior to the actual hearing if you are relying on the Fourth Amendment.

"Even though you are saying they are trying to prove you committed a crime and they are asking you to produce your records and infer that you may have committed a crime, I believe they do not have a right to compel you to produce those records, irrespective as to whether they are, in fact, evidence of the crime under the Fourth Amendment which forbids an unreasonable search and seizure and the issuance of a subpoena duces tecum is tantamount to a search and seizure."

Counsel further argued that Section 930 was applicable to an investigation where it

is sought to establish that the witnesses being examined had committed a crime.

The trial judge rejected petitioner's contention that the privilege was available in an investigative proceeding.

The Trial Judge determined that the Fourth Amendment could not be invoked by the petitioner. The trial judge stated, "I agree with you, Mr. Silver, but you are talking about the Fifth Amendment and I am having a great deal of difficulty about following your argument because you are talking about the Fourth Amendment and you are citing Fifth Amendment cases."

A refusal by the petitioner to rely upon the Fifth Amendment does not constitute a waiver of the right to rely upon either the Fourth Amendment, Article 1, Section 19 of the California Constitution and of Section 930 of the Evidence Code. Mancusi v. DeForte, 392 U.S. 364, supra. In the Mancusi case, the Supreme Court expressly held that the Fourth Amendment could be relied upon without reliance upon the Fifth Amendment.

To the same effect is the case of Schwimmer v. United States of America, 232 F.2d 855 (8th Cir. 1956). In that case an appeal was taken from a denial by the District Court of Motions to quash two subpoenas duces tecum issued in a Grand Jury investigation. In the course of the proceedings of the Grand Jury, a subpoena was issued requiring the production of "all books and records, files, books, diaries, memoranda, correspondence, and other documents of Harry R. Schwimmer."

Gwen Schwimmer learned of the issuance of the subpoenaes, he filed a motion to quash each of them as constituting, on various grounds, an unreasonable search and seizure in violation of the Fourth Amendment. No claim of privilege against self-incrimination under the Fifth Amendment was, however, asserted by him. The Court ruled that both of the subpoenaes were reasonable and that Schwimmer (an attorney) was not entitled to have either of them quashed.

In reversing the Order of the District Court, the Circuit Court said:

"The compelled production of one's private books and papers through a

subpoena duces tecum, for use against him in a criminal proceeding, is, of course, as much within the guarantee of the Fourth Amendment against unreasonable searches and seizures as is a reaching of them by means of a warrant." The court citing Boyd v. United States, 116 U.S. 616, 622.

CONCLUSION

A legislative committee may not violate the Fourth Amendment rights of a witness subpoenaed to testify. A statute or ordinance requiring the compelled production of records before a legislative committee must contain provisions permitting a judicial review of the refusal to produce subpoened records to comply with due process of law under the Fourteenth Amendment.

A witness subpoenaed to produce records before a Councilmanic committee may justify his refusal to produce the records on the ground the enforced production violates his constitutional rights under the Fourth Amendment of the United States Constitution.

Section 930 of the Evidence Code of California is applicable to a witness subpoenaed to appear before a Councilmanic committee investigating alleged violations by the witness of conflict of interest and/or election laws. (State v. Nolan, 44 N.W.2d 66 (S.Ct. Minn.).

For all of the foregoing reasons it is respectfully submitted that the petition for a writ of certiorari should be granted to determine the constitutional questions raised by the Petitioner in these proceedings.

Respectfully submitted,

PHILL SILVER

Attorney for Petitioner

SINCE 1908

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FILED

OCT 21 1974

MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1974

No. 74-334

SAMUEL W. YORTY,

Petitioner,

vs.

COURT OF APPEAL, SECOND APPELLATE DISTRICT, STATE OF CALIFORNIA,

Respondent.

CITY COUNCIL OF THE CITY OF LOS ANGELES,

Real Party in Interest.

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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Attorney for Petitioner

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

SAMUEL W. YORTY, Petitioner, v. SUPERIOR COURT OF THE COUNTY OF LOS ANGELES, Respondent.	)	2d Civ 43822 Minutes

THE COURT:

Petition for writ of mandate denied.

Date: April 3, 1974

CLAY ROBBINS, JR., Clerk of the Court of Appeal, Second Appellate District, State of California, do hereby certify that the preceding is a true and correct copy of an order of this Court, as shown by the records of my office.
Witness my hand and the seal of this Court this 30th day of [illegible] A.D., 1974
CLAY ROBBINS, JR., Clerk
By R. REEVES Deputy Clerk

Exhibit III

ORDER DENYING ALTERNATIVE WRIT

L.A. No. 30302

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

YORTY, PETITIONER

v.

COURT OF APPEAL, SECOND APPELLATE DISTRICT, RESPONDENT

CITY COUNCIL OF THE CITY OF LOS ANGELES, REAL PARTY IN INTEREST

Petition for writ of Mandamus DENIED.

FILED

MAY 29 1974

G. E. BISHEL, Clerk

S. F. Deputy

I, G. E. BISHEL, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this 30th day of September A.D. 1974

Clerk

By Deputy Clerk

Wright

Chief Justice

Exhibit IV

Crim Dus

June 28, 1974

ORDER DENYING REHEARING

L.A. No. 30302

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

YORTY, Petitioner

v.

COURT OF APPEAL, SECOND APPELLATE DISTRICT, Respondent;
CITY COUNCIL OF LOS ANGELES, Real Party in Interest.

Petition ~~petitions~~

for rehearing DENIED.

SUPREME COURT
FILED
JUN 26 1974
G. E. BISHEL, Clerk
Deputy

I, G. E. BISHEL, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this 30th day of September A.D. 1974

Clerk
By [signature]
Deputy Clerk

[signature]
Chief Justice

Exhibit V